

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

DARRYL CONWAY,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 11-0506-MJR
)	
DIETARY SUPERVISORS)	
(Unknown Parties),)	
)	
Defendants.)	

MEMORANDUM AND ORDER

REAGAN, District Judge:

Roughly one year ago, Darryl Conway (confined at Menard Correctional Center, within this Judicial District) filed suit in this Court under 42 U.S.C. 1983, asserting that he was being denied the type of kosher meals he needed to eat in accord with his sincerely-held religious beliefs (based on passages of Leviticus and Deuteronomy), and that this deprivation violated the Religious Freedom Restoration Act, as well as his constitutionally-protected right to freely exercise religion. Conway filed several other motions, which the Court ruled on, such as granting Conway *in forma pauperis* status. Conway filed an amended complaint (adding what amounted to a medical malpractice claim against a dentist). The Court undertook threshold screening of the amended complaint via 28 U.S.C. 1915A.

In a June 25, 2012 Order, the undersigned Judge determined that Count 1 (the allegations against the dentist) failed to state a claim for relief, that Count 2 (construed as a RLUIPA claim) survived threshold review, that two Defendants would be dismissed with prejudice, that a third Defendant (the dentist) would be dismissed without prejudice, and that Plaintiff must file a Second Amended Complaint identifying the individuals he asserted were responsible for the deprivations alleged in Count 2 by July 30, 2012. On July 10, 2012, Plaintiff responded to the Court's directive.

Rather than amending his complaint, Conway moves to voluntarily dismiss this case, explaining that he "wishes to withdraw" his "claim pursuant to 42 U.S.C. 1983" (Doc. 20). Conway also asks that the Court furnish him with a blank Section 1983 form complaint, for his use in filing a fresh complaint including "newly exhausted claims," following the dismissal of his claims in a separate case in this District (Case No. 12-cv-0662).

To the extent that Mr. Conway moves to voluntarily dismiss his remaining claims in *this* case (Count 2, the religious diet claims), the Court **GRANTS** the motion (Doc. 20) and **DISMISSES** Count 2. That is all that remains of this lawsuit, and Conway has not requested an extension of the July 30, 2012 deadline to amend Count 2. Accordingly, all claims having been addressed, judgment shall be entered herein.

To the extent that Conway seeks additional forms from the Clerk's Office (for use in a separate lawsuit, 12-cv-0662), the Court will address his motion by separate Order entered in that case.

IT IS SO ORDERED.

DATED August 6, 2012.

s/ Michael J. Reagan _____
Michael J. Reagan
United States District Judge